

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Case No.: 08 CV 04045 (FB)(LB)

Plaintiff,

-against-

DEBORAH SWINDELLS DONOVAN, PAUL W.  
STEINBERG, and JANE DOE,

Defendants.  
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**DECLARATION OF DIANE KREBS IN SUPPORT OF  
DEFENDANT DEBORAH SWINDELLS DONOVAN'S MOTION TO DISMISS**

Diane Krebs, an attorney duly admitted to practice in the State of New York, hereby affirms the following under the penalty of perjury:

1. I am a partner with the law firm of Gordon & Rees LLP, counsel for Defendant Deborah Swindells Donovan ("Donovan"). As counsel for Donovan, I am fully familiar with the facts set forth herein. This Declaration is submitted in support of Donovan's motion to dismiss the Complaint with prejudice.

2. Annexed hereto as Exhibit "1" is a true and correct copy of the Complaint in *Hollander v. Donovan et al.*, 08-cv-04045 (FB)(LB) (E.D.N.Y. Oct. 3, 2008).

3. Annexed hereto as Exhibit "2" is a true and correct copy of a letter from Plaintiff to the Court, dated February 10, 2009, in which Plaintiff withdrew certain paragraphs of the Complaint as against Donovan.

4. Annexed hereto as Exhibit "3" is a true and correct copy of the "Supplemental Complaint" in *Hollander v. Donovan et al.*, 08-cv-04045 (FB)(LB), filed by Plaintiff on or about March 2, 2009.

5. Annexed hereto as Exhibit "4" is a true and correct copy of the Complaint in *Hollander v. Copacabana Nightclub et al.*, 07-cv-05873 (MGC)(KNF) (S.D.N.Y. June 21, 2007).

6. Annexed hereto as Exhibit "5" is a true and correct copy of Plaintiff's Motion to Disqualify Judge Cedarbaum, dated October 7, 2007 (notice of motion, affirmation in support, and memorandum of law).

7. Annexed hereto as Exhibit "6" is a true and correct copy of Lotus' papers in opposition to Plaintiff's Motion to Disqualify Judge Cedarbaum, dated October 24, 2007 (declaration of Deborah Donovan and memorandum of law).

8. Annexed hereto as Exhibit "7" is a true and correct copy of Plaintiff's reply to Lotus' papers in opposition to Plaintiff's Motion to Disqualify Judge Cedarbaum, dated October 28, 2007 (reply affirmation).

9. Annexed hereto as Exhibit "8" is a true and correct copy of Judge Cedarbaum's *Memorandum & Opinion*, dated September 29, 2008.

10. Annexed hereto as Exhibit "9" is a true and correct copy of *Noble v. Town Sports Int'l, Inc.*, No. 96 CIV. 4257 (JFK), 1998 WL 43127 (S.D.N.Y. Feb. 2, 1998).

11. Annexed hereto as Exhibit "10" is a true and correct copy of *Dewey v. PTT Telecom Netherlands, U.S., Inc.*, Civ. A. No. 94 Civ. 5983 (HB), 1995 WL 425005 (S.D.N.Y. July 19, 2005).

12. Annexed hereto as Exhibit "11" is a true and correct copy of *Video-Cinema Films, Inc. v. Cable News Network, Inc.*, No. 98 CIV. 7128BSJ), 98 CIV. 7129 (BSJ), 98 CIV. 7130 (BSJ), 2001 WL 1518264 (S.D.N.Y. Nov. 28, 2001).

13. Annexed hereto as Exhibit "12" is a true and correct copy of *Mathieson v. Associated Press*, No. 90 Civ. 6945 (LMM), 1991 WL 64453 (S.D.N.Y. April 16,

1991).

14. Annexed hereto as Exhibit "13" is a true and correct copy of *World Wide Tours of Greater NY, Ltd. v. Parker Hannifin Customer Support, Inc.*, No. CV-07-1007 (FB), 2008 WL 516676 (E.D.N.Y. Feb. 25, 2008).

15. Annexed hereto as Exhibit "14" is a true and correct copy of a page from Plaintiff's MySpace Internet site, last accessed March 9, 2009.

16. Annexed hereto as Exhibit "15" is a true and correct copy of *Shell v. Devries*, No. Civ. 06-CV-00318-REB, 2007 WL 324592 (D. Colo. Jan. 31, 2007).

17. Annexed hereto as Exhibit "16" is a true and correct copy of *Shell v. Devries*, No. 07-1086, 2007 WL 4269047 (10th Cir. Dec. 6, 2007).

18. Annexed hereto as Exhibit "17" is a true and correct copy of *Credit Sights, Inc. v. Ciasullo*, No. 05 CV 9345 (DAB), 2008 WL 4185737 (S.D.N.Y. Sept. 5, 2008).

19. Annexed hereto as Exhibit "18" is a true and correct copy of *Morriseau v. DLA Piper*, No. 06 Civ. 13255 (LAK), 2007 WL 4292030 (S.D.N.Y. Dec. 3, 2007).

Dated: New York, New York  
March 11, 2009

  
Diane Krebs (DK 8280)